

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO. 03-77569
)	
MOHAMMAD ASHRAF,)	CHAPTER 7
)	
Debtor.)	
_____)	
)	
TAMARA MILES OGIER, as)	ADVERSARY PROCEEDING
CHAPTER 7 TRUSTEE,)	NO. 04-6088
)	
Plaintiff,)	
)	
v.)	
)	
MOHAMMAD ASHRAF,)	JUDGE BIHARY
)	
Defendant.)	

ORDER

Plaintiff's Motion for Default Judgment came before this Court for hearing on July 21, 2004, at 10:00 A.M. Counsel for the plaintiff appeared, but defendant Mohammad Ashraf failed to appear at the hearing.

Plaintiff filed a complaint objecting to defendant's discharge on March 17, 2004, and plaintiff's counsel filed a proper certificate of service on March 19, 2004. Defendant failed to answer or otherwise plead to plaintiff's complaint objecting to his discharge. Plaintiff requested an entry of default and filed a motion for default judgment on June 8, 2004. Again, defendant did not file any response to the motion for default judgment. The Court set a hearing on the motion for default judgment for July 21, 2004

by notice dated June 22, 2004. Defendant failed to appear, but telephoned chambers after the hearing to say he was in a doctor's office. He then sent a facsimile from a Dr. Shah saying debtor was temporarily disabled for three (3) days. However, the fact remains that debtor has not filed an answer and remains in default. Thus, the allegations set forth in plaintiff's complaint are deemed admitted, and plaintiff is entitled to a default judgment. Accordingly,

IT IS HEREBY ORDERED that the motion for default judgment is GRANTED and defendant's discharge is hereby DENIED pursuant to 11 U.S.C. § 727.

IT IS SO ORDERED, this _____ day of August, 2004.

JOYCE BIHARY
UNITED STATES BANKRUPTCY JUDGE

DISTRIBUTION LIST